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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,656	08/25/2000	Thomas T. Buzzell	99-722	6372

7590   09/11/2007

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EXAMINER
SMITH, JEFFREY A

ART UNIT	PAPER NUMBER
3625	

MAIL DATE	DELIVERY MODE
09/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/648,656	BUZZELL ET AL.
	Examiner	Art Unit	
	Matthew S. Gart	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 July 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) *29-32* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28 and 33-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Prosecution History Summary

- Claims 29-32 have been withdrawn from consideration.

- Claims 1-40 are pending in the application.

- Claims 1-28 and 33-40 are rejected as set forth below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 8-12, 15-19, 22-26 and 33-40 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Webber (U.S. Patent No. 6,009,413) in view of

Wineweb (PTO-892, Ref U, hereinafter "Wineweb") in further view of Cat (PTO-

892, Ref V, hereinafter "Cat").

Referring to claim 1. Webber discloses an e-commerce based method for

requesting information and purchasing products from a dealer (Webber: Fig. 3, "50")

through a network host (Webber: Fig. 3, "56"), the method comprising:

- Sending a request for detailed dealer information to a network host server

  system, using a client system (Webber: column 5, lines 25-56, "The user logs

  into his computer onto the network host utilizing interface management software

  provided by the network host. The user inputs request parameters to the

  interface for a search. For instance, the user may request information regarding

  desktop personal microcomputers that have a 486 or higher processor.");

- Displaying real-time detailed dealer information on said client system based on

  said request (Webber: column 5, lines 25-56, "The user's computer then receives

  the processed information from the network host and displays the information for

  the user in real time.");

- Receiving said real-time detailed dealer information from said network host server system (Webber: column 5, lines 25-56, "The user's computer then <u>receives</u> the processed information from the network host and displays the information for the user in real time."); and

- Accessing said real-time detailed dealer information with said network host server system from a remote dealer server system via a middleware application system (Webber: column 4, line 66 to column 5, line 17, "Software available at the host **56** enables the user to obtain all merchant product/service information that is currently available and to be able to understand it in a recognizable fashion. Raw data coming from various merchants is not advantageous to a user unless the data is presented in a recognizable and understandable format. The present invention accomplishes this objective by resident software at the host **56**, which assimilates all of the data collected from the various merchants, and makes the data available to a user, on the user's computer screen, in an easy to read format.").

Webber does not expressly disclose an e-commerce based method for requesting information and purchasing products from a dealer through a network host, the method comprising: sending a request for detailed dealer information to a network host system <u>hosting a network host's web site and a plurality of dealer web sites</u>.

Wineweb discloses a method for requesting information and purchasing products from a dealer through a network host, the method comprising: sending a request for

detailed dealer information to a network host system <u>hosting a network host's web site</u>

<u>(Wineweb: Page 1, "Showcasing Wines and Wineries from Around the World") and a</u>

<u>plurality of dealer web sites (Wineweb: Page 2, Old Bridge Cellars website being hosted</u>

<u>on the Wineweb servers)</u>. At the time the invention was made, it would have been

obvious to a person of ordinary skill in the art to have modified the method of Webber to

have included the teachings of Wineweb because most electronic pages for World Wide

Web services are built individually and manually linked together. While this is

acceptable at small volumes, with a large number of pages, the maintenance and

potential enhancements of the service becomes increasingly difficult (Wineweb: Page

14).

Neither Webber nor Wineweb discloses a method for requesting information and

products <u>from a dealer through a manufacturer</u>. Cat teaches this. Cat discloses a

method for requesting Dealer information at a manufacturer's web site as shown on

Page 3. At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to have modified the method of Webber to have included the

teachings of Cat as discussed above in order to help meet industry needs while being

successfully customer focused (Cat: Page 6).

<u>Referring to claims 2-3</u>. Webber further discloses a method including sending

information concerning pricing, support, servicing, and warranty (Webber: column 5,

lines 25-55). Webber does not expressly disclose sending a quote number or a

confirmation number. Data identifying the specific sent information is not functionally

related to the sending step within the method and will not distinguish the claimed

invention from the prior art in terms of patentability, see Cf. In re Gulack, 703 F.2d 1381,

1385, 217 USPQ 401, 404 (Fed. Cir. 1983). In re Lowry, 32 F.3d 1579, 32 USPQ2d

1031 (Fed. Cir. 1994).

Referring to claim 4. Webber further discloses a method wherein said real-time

detailed dealer information is selected from the group consisting of dealer-level

inventory, pricing, and sales information (Webber: Abstract and column 5, lines 25-55).

Referring to claim 5. Webber further discloses a method including displaying

consumer personalized data received on said client system (Webber: column 5, lines

14-16).

Referring to claims 6-7. The Examiner notes, data identifying the specific

consumer personalized data information is not functionally related to the generic

method for requesting information and purchasing products from a dealer through a

manufacturer and will not distinguish the claimed invention from the prior art in terms of

patentability, see Cf. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir.

1983). In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Referring to claims 8-14. Claims 8-14 contains limitations similar to those of claims 1-7 as set froth above. Claims 8-14 are rejected under the same rationale as set forth above in claims 1-7.

Referring to claims 15-21. Claims 15-21 contains limitations similar to those of claims 1-7 as set froth above. Claims 15-21 are rejected under the same rationale as set forth above in claims 1-7.

Referring to claims 22-28. Claims 22-28 contains limitations similar to those of claims 1-7 as set froth above. Claims 22-28 are rejected under the same rationale as set forth above in claims 1-7.

Referring to claims 33. Webber further discloses a method including sending information concerning pricing, support, servicing, and warranty (Webber: column 5, lines 25-55). Webber does not expressly disclose sending a quote number or a confirmation number. Data identifying the specific sent information is not functionally related to the sending step within the method and will not distinguish the claimed invention from the prior art in terms of patentability, see Cf. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Referring to claim 34. Claim 34 is rejected under the same rationale as set forth above in claim 1.

Referring to claims 35-36. Claims 35-36 contains limitations similar to those of claims 1-5 as set froth above. Claims 35-36 are rejected under the same rationale as set forth above in claims 1-5.

Referring to claims 37-38. Claims 37-38 contains limitations similar to those of claims 1-5 as set froth above. Claims 37-38 are rejected under the same rationale as set forth above in claims 1-5.

Referring to claim 39. Webber further discloses a method wherein the step of establishing a plurality of parts further comprises the step of providing an electronic link to at least one of a picture (Webber: column 2, lines 50-60).

Referring to claim 40. Webber further discloses a method wherein said product characteristics includes at least one of a product type, product model, and a product configuration (Webber: column 2, lines 50-60).

Response to Arguments

Applicant's arguments with respect to the rejected claims are persuasive. A new grounds of rejection has been applied to the pending claims.

In the Applicant's remarks, the applicant noted that claims 3, 10, 17 and 24 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims,

The Examiner notes, **<u>no such objection was applied or noted in the previous office action</u>**, all claims pending are currently under rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
Primary Examiner
AU3625